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(Please type of Submitted	orprint) by: Courtney Ed	wards	SC Bar Number: 77175	
				37-8440
Address:	1401 Main Stree	t	Fax:	
	Suite 900		Other:	
	Columbia SC 292		Email: cedwards@regs	
NOTE: The cas required by be filled out of	y law. This form is required	contained herein neither replaces I for use by the Public Service Co	nor supplements the filing and ser emmission of South Carolina for the	vice of pleadings or other papers e purpose of docketing and must
☐ Emerge	ency Relief demanded in		equest for item to be placed on peditiously	Commission's Agenda
U Other:				
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PSC SC MAIL / DMS

BEFORE

THE PUBLIC SERVICE COMMISSION



OCT 18 2013

OF SOUTH CAROLINA

DOCKET NO. 2013-387-C

PSC SC

IN RE:

Petition of the South Carolina Office of
Regulatory Staff For the Commission to Order a
Rule to Show Cause as to Why the Certificates of
Public Convenience and Necessity For Certain
Providers of the Telecommunications Services
Should Not Be Revoked

PETITION OF THE SOUTH
CAROLINA OFFICE OF
REGULATORY STAFF FOR A
RULE TO SHOW CAUSE

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission") that:

- 1. The Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 et seq. (Supp. 2012).
- 2. ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2012).
- 3. The Telecommunications Companies ("Companies") listed in Exhibit A, Exhibit B and Exhibit C are certificated "telephone utilities" as defined in S.C. Code Ann. § 58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.
- 4. The Companies listed in Exhibit A, Exhibit B and Exhibit C are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (Supp. 2012). Further, they have

submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A, Exhibit B and Exhibit C.

- 5. The Telecommunications Companies listed in Exhibit A, Exhibit B and Exhibit C, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2012).
- 6. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2012), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the review committee, and ORS to be assessed. ORS may require reports and special reports concerning any matter about which the ORS is authorized to inquire or keep itself informed or which it is required to enforce.
- 7. The Companies listed in Exhibit A have failed to submit the requisite gross receipts fillings. The companies are required to submit their Gross Receipts form on August 31st annually. ORS has made attempts to contact these companies to obtain the gross receipts forms.
- 8. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2012).
- 9. The Companies listed in Exhibit B have failed to submit the requisite 2012 Annual Report that was due on April 1st. ORS has made attempts to contact these companies to obtain the Annual Report.
- 10. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2012).

- 11. The Commission USF guidelines approved in Order No. 2011-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").
- 12. The Companies listed in Exhibit C have failed to submit the requisite USF Report that was due on July 1st. ORS has made attempts to contact these companies to obtain the USF Report.
- 13. The information for the business entities listed in Exhibit A, Exhibit B and Exhibit C accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit D, Affidavit of James McDaniel.
- order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees." S.C. Code Ann. § 58-9-390 (Supp. 2012).
- 14. Pursuant to S.C. Code Ann. § 58-9-1120 (Supp. 2012), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities."

WHEREFORE, the ORS staff prays that the Honorable Commission:

- 1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A, Exhibit B and Exhibit C.
- 2. For the persons and business entities listed in Exhibit A, Exhibit B and Exhibit C, pursuant to 10 S.C. Code Regs. 103-830 (2012), cause a copy of this petition to be served upon such named respondents or other proper person or entity.

- 3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
- 4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. § 58-9-820 (Supp. 2012).
- 5. Find that the Companies listed in Exhibit A, Exhibit B and Exhibit C have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
- 6. Enter a final order canceling the Certificates held by the Companies listed in Exhibit A, Exhibit B and Exhibit C.
 - 7. Take other appropriate action which the Commission may deem necessary.

Source & Edwards, Esquire

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900 Columbia, South Carolina 29201

Phone: (803) 737-0800 Fax: (803) 737-0895

Email: cedwards@regstaff.sc.gov

October 18, 2013 Columbia, South Carolina

Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2012 Docket No. 2013- -C October 15, 2013

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Telecommunications Carriers Non-Compliant with Annual Reports Filing 2012

Docket No. 2013- -C
October 15, 2013

		Type of			ľ					
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	Advanced Communications Solutions,					3	DOCKEL NO. OTHER NO. DATE	Order No.	Date	Standing
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m	Pac-West Telecomm. Inc.	CI EC/IYC	ACCO I alongald Dand				2000	701-1107	11/61/20	Good Standing
L		Course of the Course	TOO Person pella	Berkeley Lake GA 30096	3		2010-411-C	2011-318	04/26/11	2010-411-C 2011-318 04/26/11 Good Standing
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4	4 Yak Communications (America) Inc. IXC	IXC	PO Box 414629	Miami Beach	FI. 33141		2002-387 C 2003 E23	2000 523	20, 22, 00	

Telecommunications Carriers Non-Compliant with Universal Service Fund Filing 2012

Docket No. 2013- -C
October 15, 2013

		Type of							Certifled	Secretary of
N	Company	Certificate	Address	Clty	State	Zlp	State Zip Docket No. Order No. Date	Order No.		State Standing
1	American Broadband, Inc.	CLEC/IXC	1321 Connellsville Rd	Lemont Furnace PA 15456 2004-343-C 2005-127 03/22/05 Cond Shandin	MA MA	5456	2004-343-C	2005-127	03/22/05	Good Standing
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,		2007 (2002)	123 3 Walkel DI, 316 2310	CINCAGO	11.	90909	6 2009-164-0 2009-553 08	2009-553	60/90/80	Good Standing
2	ran communications (America) inc.	IXC	PO Box 414629	Miami Beach	FL	13141	33141 2002-387-C 2003-532 09/22/03 Forfeiture	2003-532	09/22/03	Forfeiture

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. <u>2013-38</u>7-C

October 15, 2013

IN RE:	Petition of the South Carolina Office of Regulatory Staff For the Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity For Certain Providers of the Telecommunications Services Should Not Be)))))	AFFIDAVIT OF JAMES MCDANIEL
	Revoked	j (

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is James (Jim) McDaniel and I am employed by the South Carolina
 Office of Regulatory Staff ("ORS") as Telecommunications Program Manager.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201.
- It is the regular business practice of ORS to maintain certain business records required to be filed by providers of telecommunications service that are subject to the jurisdiction of the Public Service Commission of South Carolina.
- 4) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books and records which are not complete or which are not on file with ORS.
- 5) On October 15, 2013, I examined the business records on file with ORS.

- As a result of the examination, I attest that the Gross Receipts Forms, Annual Report Forms or USF Reports have not been filed with ORS by the following providers of telecommunications service as of October 15, 2013: (Exhibit A, Exhibit B, and Exhibit C)
- I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A, Exhibit B, and Exhibit C of this Petition.
- 8) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A, Exhibit B, and Exhibit C are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.

James McDaniel

Telecommunications Manager

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 292011

Sworn and subscribed before me

this 15 day of OCTOBER, 20 13

Notary Public for South Carolina

FAITH SHEHANE

My Commission Expires:

Notary Public, State of South Carolina

My Commission Expires 8/1/2022

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2013- -C

IN RE:	Petition of the South Carolina Office of)	
	Regulatory Staff For the Commission to Order a)	
	Rule to Show Cause as to Why the Certificates of)	CERTIFICATE OF
	Public Convenience and Necessity For Certain)	SERVICE
	Providers of the Telecommunications Services	j.	
	Should Not Be Revoked)	

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE SEE LIST OF PARTIES SERVED ON NEXT PAGE]

Faith E. Shehane

October 18, 2013 Columbia, South Carolina Advanced Communications Solutions, LLC PO Box 98 Holly Springs, NC 27540-0098

Association Administrators, Inc. 180 E Main St, #200 Smithtown, NY 11787

iBasis Retail, Inc. 20 Second Ave Burlington, MA 01803 Telmex USA, LLC c/o Visi Consulting Services, LLC 1130 University Blvd, Ste B9, #253 Tuscaloosa, AL 35401-0328

Yak Communications (America) Inc. PO Box 414629 Miami Beach, FL 33141 Garvin Oll Company, Inc. PO Box 1249 Wagener, SC 29164-1249

James Kenneth Fryer PO Box 211851 Columbia, SC 29221-6851 Payphone Partners, Inc. 2520 Sardis Rd N, Ste 100 Charlotte, NC 28227

Suntel PO Box 397 Camden, SC 29020

iNetworks Group, Inc. 125 S Wacker Dr., Ste 2510 Chicago, IL 60606

American Broadband, Inc. 1321 Connellsville Rd Lemont Furnace, PA 15456

Pac-West Telecomm, Inc. 4550 Lakefield Bend Berkeley Lake, GA 30096

Inmate Communications Corporation 31127 Via Colinas Ste 807 Westlake Village, CA 91362 Mobilitie, LLC 660 Newport Ctr Dr Ste 200 Newport Beach, CA 92660

Commercial Payphones, LLC 8510 NW 56th Street Miami, FL 33166 iNetworks Group, Inc. 125 S Wacker Dr., Ste 2510 Chicago, IL 60606

Ljam, Inc. 1119 Charleston Hwy West Columbia, SC 29169